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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,769	10/09/2001	Michael E. Koscal	ROKWELL.004C1	8785

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EXAMINER

SOBUTKA, PHILIP

ART UNIT	PAPER NUMBER
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2684

8

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Commissioner for Patents

# Office Action Summary

Application No.

09/974,769

Applicant(s)

KOSCAL, MICHAEL E.

Examiner

Philip J. Sobutka

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-7 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. Claims 1-4, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsieh (US 6,026,308) in view of Cummiskey (US 5,005,168).

Consider claims 1,2. Hsieh teaches a wireless handset and base arrangement (Hsieh see especially figs 1-5, item 20), and audio input line; a wireless modem (Hsieh see especially fig 4, item 14); and a radio transceiver responsive to the modem to transmit the modulated input. Hsieh lacks a teaching of the modem including a controller and codec for generating and transmitting audio samples in response to interrupts. Cummiskey et al teaches a modem with controller and codec that generates and transmits samples between sample and transmit buffers in response to an interrupt (Cummiskey col 7, lines 18-45, col 8, lines 29-44, col 10, lines 5-35). It would have been obvious to one of ordinary skill in the art to modify Hsieh to use the modem arrangement of Cummiskey in order to ensure synchronization of timing of the modem signal sampling and transmission.

As to claim 3, note that the modem arrangement of Hsieh in view of Cummiskey also teaches receive buffers (Cummiskey see especially fig 1, col 7, lines 45-61). Note that the controller of the modem arrangement is a micro controller.

As to claim 4, note that the interrupt commands control the sample and transfer routines.

***Allowable Subject Matter***

2. Claims 5-7 are allowed.

Consider claim 5. The nearest prior art as shown in Hsieh and Cummiskey fails to teach a method for communicating comprising: determining if a first analog audio sample is available at a communication port of a wireless device; if the sample is available, converting the first analog audio sample to a first digital sample; compressing the digital sample to create a first compressed audio sample; generating first RF signal representing the first compress audio sample; transmitting with a radio transceiver the first RF signals in a first RF signal frame; receiving with the radio transceiver a second RF signal frame including second RF signals; decompressing the second RF signals to create a second digital audio sample, converting the second digital audio sample to a second analog audio sample, transmitting the second audio sample to an audio output of the wireless device; receiving first data at a communication port of the wireless device, generating third RF signals representing the first data; and transmitting with the radio transceiver the third RF signals in third and fourth consecutive RF frames if the first analog audio sample is available, the radio transceiver receiving no RF frame between the transmission of the third and fourth frames. Note that Cummiskey's encoding is response to signal interrupts received at the port (Cummiskey see especially col 8, lines 5-43). Note also that claim 1 is silent as to where the second signal is received.

### ***Response to Arguments***

3. Note that the terminal disclaimer has overcome the double patenting rejections.

4. Applicant's arguments filed January 12, 2004 have been fully considered but they are not persuasive.

5. Applicant argues that the primary reference Hsieh differs from the claims because Hsieh has the user manually switch between data and voice transmission. Note, however that the claims do limit switching between voice and data transmission, in fact they do not describe switching between voice and data at all, they only describe coding being based on commands received.

***Conclusion***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Philip Sobutka

Pjs  
April 2, 2004

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**